

FILED

AUG 28 2017

PETER A. MOORE, JR., CLERK  
 US DISTRICT COURT, EONC  
 BY BR DEP CLK

## UNITED STATES DISTRICT COURT

for the  
 Eastern District of North Carolina

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)  
 Premises located 105 Sandybrook Road,  
 Wilmington, NC

Case No. 7:17-mj-1226-RJ

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
 Premises located at 105 Sandybrook Road, Wilmington, NC, as more fully described in Attachment A to this Application.

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

See Attachment B to this Application.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;  
 contraband, fruits of crime, or other items illegally possessed;  
 property designed for use, intended for use, or used in committing a crime;  
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)	Possession with Intent to Distribute a Schedule II Controlled Substance
21 U.S.C. § 952(a)	Importation of a Controlled Substance

The application is based on these facts:  
 See attached affidavit

 Continued on the attached sheet. Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

On this day, \_\_\_\_\_  
 appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Application for a Search Warrant

Christopher M. Feldman  
*Christopher M. Feldman*  
 Applicant's signatureChristopher M. Feldman, Special Agent*Christopher M. Feldman*  
 Printed name and title

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the applicant appeared before me via reliable electronic means, was placed under oath and attested to the contents of this Application for Search Warrant.

Date/Time: August 28, 2017 12:18 pm

City &amp; State: Wilmington, North Carolina

Robert B. Jones Jr.  
*Robert B. Jones Jr.*  
 United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

AFFIDAVIT

1. I, Christopher M. Feldman, depose and state that I am a Special Agent of the Department of Homeland Security under Immigration and Customs Enforcement ("ICE"), formerly known as the Customs Service, assigned to the Wilmington, North Carolina office. I have been employed by ICE for 13 years. Prior to being an ICE Special Agent, I was a Law Enforcement Officer with the Myrtle Beach Police Department and Horry County Police Department for five years. My duties routinely include the investigation of violations of the federal criminal statutes concerning immigration and customs offenses, including the smuggling of illegal narcotics into the United States.

2. This affidavit is made in support of an application for an anticipatory warrant to search the entire premises located at 105 Sandybrook Road, Wilmington, North Carolina 28411 (hereinafter referred to as the "SUBJECT PREMISES"), located within the Eastern District of North Carolina. The SUBJECT PREMISES is more particularly described in **Attachment A** of this affidavit.

3. Because this affidavit is being submitted for the limited purpose of securing a warrant to search the SUBJECT PREMISES, I have set forth only those facts necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of Title 21, U.S.C., Sections 841(a) and 952(a) and Title 18, U.S.C., Section 545 will be located at the SUBJECT PREMISES. More specifically, I seek authorization to locate the items described in **Attachment B** and to seize those items as evidence, fruits, and instrumentalities of the foregoing violations.

4. The facts contained in this Affidavit come from my personal involvement in this investigation, information obtained from others involved in this investigation, and a review of the records and documents obtained during the course of this investigation.

**STATUTORY AUTHORITY**

5. Title 21, U.S.C., Section 841(a) "Prohibited Acts, Unlawful Acts" makes it a violation for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance; or to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

6. Title 21, U.S.C., Section 952(a) "Importation of Controlled Substances" makes it unlawful to import into the customs territory of the United States from any place outside thereof (but within the

United States), or to import into the United States from any place outside thereof, any controlled substance in schedule I or II of subchapter I of this chapter, or any narcotic drug in schedule III, IV, or V of subchapter I of this chapter, or ephedrine, pseudoephedrine, or phenylpropanolamine, ..."

7. Title 18 U.S.C. Section 545 "Smuggling Goods into the United States" makes it a violation for whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

#### DETAILS OF INVESTIGATION

8. On August 18, 2017, pursuant to their warrantless border search authority granted under Title 19, Customs and Border Protection (CBP) Officers stationed at the Memphis Federal Express Consignment Center Courier Facility in Memphis, Tennessee selected an international parcel for examination. The parcel, bearing house air waybill number 731137562088, originated from Suzhou, China and was addressed to Steve HIGHTOWER, 105 Sandybrook Road, Wilmington, North Carolina 28411. The contents of the parcel were listed as "Sample of organic pigment". An examination of the parcel revealed inside the package an unknown crystalline substance. CBP Officers submitted the crystalline substance to the CBP Houston Lab, who was onsite, for analysis and the crystalline substance was presumptively identified as BK-DMBDB (Pentylone), a Schedule I controlled substance. The gross weight of the suspected BK-DMBDB (Pentylone) was 519.20 grams.

9. On August 24, 2017, HSI-Memphis Agents notified HSI-Wilmington of their findings. HSI-Wilmington requested that HSI-Memphis route the parcel to HSI-Wilmington for a controlled delivery.

10. On August 24, 2017, I conducted public record searches of the SUBJECT PREMISES and received results indicating the address is owned by Alton Owen, a 59 year old male.

11. On August 24, 2017, I conducted a search of the North Carolina Division of Motor Vehicles (NCDMV) database and received results that on or about January 10, 1993, the NCDMV issued a North Carolina driver's license (NCDL), numbered XXXX5875, to Alton Bryan Owen. The address on the NCDL was listed as 114 Dreyton Hall Court, Rocky Point, NC 28457.

12. On August 24, 2017, I conducted open source database checks on Owen. The result listed a previous address as the SUBJECT PREMISES.

13. On August 24, 2017, HSI-Wilmington SAs observed a 2004 Mercedes Benz bearing North Carolina tags EFB-1059 parked outside the SUBJECT PREMISES. Record checks revealed that the registered owner of the vehicle is Cameron Singleton.

14. On August 24, 2017, I conducted a search of the NCDMV database and received results that on or about November 11, 2016, the NCDMV issued a NCDL, numbered XXXX0881, to Cameron Anthony Singleton. The address on the NCDL was listed as 5010 Shaw Court, Wilmington, NC 28405.

15. On August 25, 2017, HSI-Wilmington received the parcel containing suspected Pentylone from HIS-Memphis.

16. Based on my training and experience, I know that individuals receiving narcotics often maintain records of their dealings, transactions, and activities in physical and electronic form and often store or possess additional evidence, fruits, instrumentalities, and proceeds at the same location they receive their narcotics. Further, these violators often hide these items to avoid detection and discovery. Based on this information, I am seeking to search the entire SUBJECT PREMISES.

#### TRIGGERING EVENTS

17. On August 29, 2017, at a time to be determined, a law enforcement officer operating in an undercover capacity will attempt to deliver the parcel at the SUBJECT PREMISES. After delivery, officers will observe the person/s that received the parcel enter the SUBJECT PREMISES. Upon entering into the SUBJECT PREMISES, officers will execute the anticipatory search warrant.

[remainder of page intentionally left blank]

**CONCLUSION**

18. Based on the foregoing, there is probable cause to believe that Title 21, U.S.C., Sections 841(a) and 952(a) and Title 18, U.S.C., Section 545 have been violated, and that the property and items listed in **Attachment B** are to be located at the SUBJECT PREMISES.

19. Based upon the foregoing, I respectfully requests that this Court issue an anticipatory warrant to search the SUBJECT PREMISES, more particularly described in **Attachment A**, and to authorize the seizure of the items described in **Attachment B**.



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Christopher M. Feldman  
Special Agent  
Homeland Security Investigation

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.

THIS 28th day of August 2017.



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ROBERT B. JONES, Jr.  
United States Magistrate Judge  
Eastern District of North Carolina

ATTACHMENT A

DESCRIPTION OF PREMISES TO BE SEARCHED

105 Sandybrook Road, Wilmington, North Carolina 28411

The SUBJECT PREMISES is located in New Hanover County, North Carolina near the intersection of Middle Sound Loop Road and Sandybrook Road in Wilmington, North Carolina. The SUBJECT PREMISES is part of single story duplex single family residence. The SUBJECT PREMISES has a tan front door with gray exterior siding to the left of the door is a small sign marked "105".



ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEARCHED FOR AND SEIZED

- A. Narcotics and Paraphernalia
- B. Money (Currency)
- C. Weapons (Guns, Knives, etc.)
- D. Computers
- E. Cell Phones
- F. Record or Documents showing occupancy of the SUBJECT PREMISES
- G. Vehicles Owned by occupants of the SUBJECT PREMISES
- H. Other items that are evidence, fruits, or instrumentalities of a violation of law.